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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Roberto Lizardi, Jr,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
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No. CV-22-00447-PHX-MTL

ORDER

15 Before the Court is the Report and Recommendation of the Magistrate Judge
16 (“R & R”) (Doc. 14) recommending that the Petition for Writ of Habeas Corpus (Doc. 1)
17 be dismissed with prejudice, and that a certificate of appealability and leave to proceed in
18 forma pauperis on appeal be denied. Petitioner has not filed any objections to the R & R.

19 In reviewing an R & R, the Court “may accept, reject, or modify, in whole or in part,
20 the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).
21 “[T]he district judge must review the magistrate judge’s finding and recommendations *de*
22 *novo if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114,
23 1121 (9th Cir. 2003) (en banc) (emphasis in original); *see Thomas v. Arn*, 474 U.S. 140,
24 149 (1985) (finding that the District Court need not conduct “any review at all . . . of any
25 issue that is not the subject of an objection”). No objections having been received, the Court
26 will accept and adopt the R & R in its entirety.

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1 Accordingly,

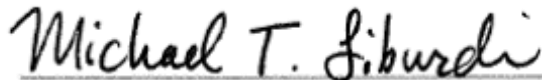
2 **IT IS ORDERED** that the Report and Recommendation (Doc. 14) is **accepted**.

3 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (Doc. 1)
4 is **dismissed with prejudice**.

5 **IT IS FURTHER ORDERED denying** the issuance of a certificate of appealability
6 and leave to proceed in forma pauperis on appeal because Petitioner has not demonstrated
7 that reasonable jurists could find the ruling debatable or conclude that the issues presented
8 are adequate to deserve encouragement to proceed further. *See Miller-El v. Cockrell*, 537
9 U.S. 322, 327 (2003).

10 **IT IS FINALLY ORDERED** directing the Clerk of Court to enter judgment,
11 terminating this case.

12 Dated this 24th day of May, 2023.

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15 Michael T. Liburdi
16 United States District Judge
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